

## HOUSE BILL NO. 543

INTRODUCED BY P. MORGAN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT ONE LICENSE PLATE BE ISSUED FOR AND DISPLAYED ON A MOTOR VEHICLE; AMENDING SECTIONS 2-15-151, 10-2-114, 61-3-301, 61-3-303, 61-3-312, 61-3-321, 61-3-331, 61-3-332, 61-3-333, 61-3-334, 61-3-335, 61-3-342, 61-3-402, 61-3-403, 61-3-404, 61-3-405, 61-3-407, 61-3-411, 61-3-412, 61-3-413, 61-3-415, 61-3-421, 61-3-423, 61-3-425, 61-3-426, 61-3-446, 61-3-448, 61-3-458, 61-3-459, 61-3-460, 61-3-463, 61-3-464, 61-3-465, 61-3-466, 61-3-468, 61-3-474, 61-3-479, 61-3-481, 61-3-526, 61-3-701, 61-3-722, 61-4-101, 61-4-102, 61-4-109, 61-4-111, 61-4-123, 61-4-130, 61-4-221, 61-4-222, 61-4-223, 61-4-301, 61-4-307, AND 61-6-304, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 2-15-151, MCA, is amended to read:

**"2-15-151. (Temporary) Lewis and Clark bicentennial license plates -- authorization to apply as sponsor -- use of proceeds.** (1) The Lewis and Clark bicentennial commission may:

(a) apply to the department of justice to sponsor a generic specialty license plate as provided in 61-3-476; and

(b) require an applicant for a generic specialty license plate sponsored by the Lewis and Clark bicentennial commission to make a donation of \$20 to the Lewis and Clark bicentennial commission upon initial issuance of the license ~~plates~~ plate and a donation of \$20 upon each annual renewal of the license ~~plates~~ plate.

(2) The donation provided for in subsection (1)(b) must be paid to the county treasurer, who shall remit the entire amount to the department of revenue for deposit in the special revenue account established in 2-15-150.

(3) The Lewis and Clark bicentennial commission shall establish the criteria that entities or organizations are required to meet in order to receive proceeds from the special revenue account established in 2-15-150, and the commission may distribute the money in a manner and in any amount that it determines appropriate.

(4) The Lewis and Clark bicentennial commission may retain any amount of money collected in the special revenue account that it determines necessary to fulfill its responsibilities and carry out the activities

1 provided in 2-15-150.

2 (5) Entities receiving funds under subsection (3) may not use the funds for purposes other than those  
3 prescribed by the Lewis and Clark bicentennial commission and subject to 2-15-150.

4 (6) Proceeds from license plate donations and proceeds from any loan from the board of investments  
5 that are received in the special revenue account established in 2-15-150 are statutorily appropriated, as provided  
6 in 17-7-502, to the Lewis and Clark bicentennial commission. (Terminates December 31, 2006--sec. 17, Ch. 414,  
7 L. 2001.)"

8  
9 **Section 2.** Section 10-2-114, MCA, is amended to read:

10 **"10-2-114. Patriotic license plates -- surcharge -- disposition.** (1) Subject to 61-3-472 through  
11 61-3-481 and this section, the board may sponsor a generic specialty license plate designed as a patriotic salute  
12 to Montana's military veterans.

13 (2) A Montana resident may purchase a patriotic plates plate for a \$15 surcharge to be paid for each  
14 original ~~set of plates~~ plate and each renewal. The surcharge is in addition to the one-time administrative fee  
15 charged pursuant to 61-3-480(1).

16 (3) The surcharge collected pursuant to this section must be remitted as provided in 61-3-480 and  
17 deposited to the veterans' services account established in 10-2-112(1)."

18  
19 **Section 3.** Section 61-3-301, MCA, is amended to read:

20 **"61-3-301. Registration -- license plate required -- display.** (1) Except as otherwise provided in this  
21 chapter, a person may not operate a motor vehicle upon the public highways of Montana unless the vehicle is  
22 properly registered and has the proper number ~~plates~~ plate conspicuously displayed, ~~one on the front and one~~  
23 ~~on the rear of the vehicle, each~~ securely fastened to prevent it from swinging and unobstructed from plain view;  
24 ~~except that vehicles authorized to display demonstrator plates under 61-4-125 or 61-4-129 may have only one~~  
25 ~~number plate conspicuously displayed on the rear.~~ A person may not display on a vehicle at the same time a  
26 number assigned to it under any motor vehicle law except as provided in this chapter. A junk vehicle, as defined  
27 in Title 75, chapter 10, part 5, being driven or towed to an auto wrecking graveyard for disposal is exempt from  
28 the provisions of this section.

29 (2) A person may not purchase or display on a vehicle a license plate bearing the number assigned to  
30 any county, as provided in 61-3-332, other than the county of the person's permanent residence at the time of

1 application for registration. However, the owner of a motor vehicle requiring a license plate on a motor vehicle  
2 used in the public transportation of persons or property may make application for the license in any county  
3 through which the motor vehicle passes in its regularly scheduled route, and the license plate issued bearing  
4 the number assigned to that county may be displayed on the motor vehicle in any other county of the state.

5 (3) It is unlawful to:

6 (a) display a license ~~plates~~ plate issued to one vehicle on any other vehicle, trailer, or semitrailer unless  
7 legally transferred as provided by statute;

8 (b) repaint an old license ~~plates~~ plate to resemble a current license ~~plates~~ plate; or

9 (c) display a prior design of number plates issued under 61-3-332(4)(a) or special license plates issued  
10 under 61-3-332(10) or 61-3-421 more than 18 months after a new design of number plates or special license  
11 plates has been issued, except as provided in 61-3-332(4)(c) and (4)(d), 61-3-448, or 61-3-468.

12 (4) This section does not apply to a vehicle exempt from taxation under 15-6-215 or subject to the  
13 registration fee or fee in lieu of tax under 61-3-520.

14 (5) A person violating these provisions is guilty of a misdemeanor and is subject to the penalty  
15 prescribed in 61-3-601.

16 (6) For the purposes of this section, "conspicuously displayed" means that the required license ~~plates~~  
17 ~~are~~ plate is obviously visible and firmly attached to:

18 (a) the ~~front and the~~ rear bumper of a motor vehicle equipped with ~~front and a rear bumpers~~ bumper;  
19 or

20 (b) other clearly visible locations on the ~~front and the rear exteriors~~ exterior of a motor vehicle."  
21

22 **Section 4.** Section 61-3-303, MCA, is amended to read:

23 **"61-3-303. Registration -- process -- fees.** (1) A Montana resident who owns a motor vehicle operated  
24 or driven upon the public highways of this state shall register the motor vehicle in the office of the county  
25 treasurer in the county where the owner permanently resides or, if the vehicle is owned by a corporation or used  
26 primarily for commercial purposes, in the county where the vehicle is permanently assigned.

27 (2) (a) Except as provided in subsection (3), the county treasurer shall register any vehicle for which:

28 (i) as of the date that the vehicle is to be registered, the owner delivers an application for a certificate  
29 of title to the department, its authorized agent, or a county treasurer; or

30 (ii) the county treasurer confirms that the department has an electronic record of title for the vehicle as

1 provided under 61-3-101.

2 (b) To register a vehicle, the county treasurer shall update the electronic record of title maintained by  
3 the department under 61-3-101 by entering the fees paid and recording any changes to the recorded data.

4 (3) (a) A county treasurer shall register a motor vehicle for which a certificate of title and registration  
5 were issued in another jurisdiction and for which registration is required under 61-3-701 after the county  
6 treasurer examines the current out-of-jurisdiction registration certificate or receipt and receives payment of the  
7 fees required in 61-3-701. The county treasurer may ask the vehicle owner to provide additional information,  
8 prescribed by the department, to ensure that the electronic record of registration maintained by the department  
9 is complete.

10 (b) A county treasurer may register a motor vehicle for which the new owner cannot present the  
11 previously issued certificate of title only as authorized by the department under 61-3-342.

12 (4) The department or the county treasurer shall determine the amount of fees, including local option  
13 taxes or fees, to be collected at the time of registration for each light vehicle subject to a registration fee under  
14 61-3-560 through 61-3-562 and for each bus, truck having a manufacturer's rated capacity of more than 1 ton,  
15 and truck tractor subject to a fee in lieu of tax under 61-3-529. The county treasurer shall collect the registration  
16 fee, other appropriate fees, and local option taxes or fees, if applicable, on each motor vehicle at the time of its  
17 registration.

18 (5) A person who seeks to register a motor vehicle, except a mobile home or a manufactured home as  
19 those terms are defined in 15-1-101(1), shall pay to the county treasurer:

20 (a) the registration fee, as provided in 61-3-311 and 61-3-321 or 61-3-456;

21 (b) except as provided in 61-3-456 or unless it has been previously paid, the motor vehicle fees in lieu  
22 of tax or registration fees under 61-3-560 through 61-3-562 imposed against the vehicle for the current year of  
23 registration and the immediately previous year; and

24 (c) a donation of \$1 or more if the person has indicated on the application that the person wishes to  
25 donate to promote awareness and education efforts for procurement of organ and tissue donations in Montana  
26 to favorably impact anatomical gifts; and

27 (d) a donation of \$1 or more if the person has indicated on the application that the person wishes to  
28 donate to promote education on, support for, and awareness of traumatic brain injury.

29 (6) The county treasurer may not issue a registration receipt or a license plates plate for the vehicle to  
30 the owner unless the owner makes the payments required by subsection (5). Except as provided in 61-3-560

1 through 61-3-562, the department may not assess or impose and the county treasurer may not collect taxes or  
2 fees for a period other than:

3 (a) the current year; and

4 (b) except as provided in subsection (9), the immediately preceding year if the vehicle was not  
5 registered or operated on the highways of the state, regardless of the period of time since the vehicle was  
6 previously registered or operated.

7 (7) The department may make full and complete investigation of the registration status of the vehicle.  
8 A person seeking to register a motor vehicle under this section shall provide additional information to support  
9 the registration to the department if requested.

10 (8) Revenue that accrues from the voluntary donation provided in subsection (5)(c) must be forwarded  
11 by the respective county treasurer to the department of revenue for deposit in the state special revenue fund to  
12 the credit of an account established by the department of public health and human services to support activities  
13 related to awareness and education efforts for procurement of organ and tissue donations for anatomical gifts.

14 (9) (a) Except as provided in subsection (9)(b), the fees in lieu of tax, taxes, and fees imposed on or  
15 collected from the registration of a travel trailer, motorcycle, or quadricycle or a trailer, pole trailer, or semitrailer  
16 that has a declared weight of less than 26,000 pounds are required to be paid only once during the time that the  
17 vehicle is owned by the same person who registered the vehicle. Once registered, a vehicle described in this  
18 subsection (9)(a) is registered permanently unless ownership of the vehicle is transferred.

19 (b) Whenever ownership of a vehicle described in subsection (9)(a) is transferred, the new owner is  
20 required to register the vehicle as if it were being registered for the first time, including paying all of the required  
21 fees in lieu of tax, taxes, and fees.

22 (10) Revenue that accrues from the voluntary donation provided in subsection (5)(d) must be forwarded  
23 by the respective county treasurer to the department of revenue for deposit in the state special revenue fund to  
24 the credit of the account established in 2-15-2218 to support activities related to education regarding prevention  
25 of traumatic brain injury."  
26

27 **Section 5.** Section 61-3-312, MCA, is amended to read:

28 **"61-3-312. Renewal of registration -- exceptions -- grace period.** (1) Except as provided in  
29 61-3-311(1), 61-3-314, 61-3-318, 61-3-526, 61-3-560, 61-3-562, and 61-3-721, the registration of a vehicle under  
30 this chapter expires on December 31 of each year and must be renewed annually upon payment of registration

fees as provided in 61-3-303 and 61-3-321. The renewal takes effect on January 1 of each year. A registration receipt is valid only during the registration year for which it is issued.

(2) The owner of a vehicle registered under the provisions of this section may operate the vehicle between January 1 and February 15 without displaying the registration decal of the current year if, during the period, the owner displays upon the vehicle the number ~~plates or~~ plate assigned for the previous year."

**Section 6.** Section 61-3-321, MCA, is amended to read:

**"61-3-321. Registration fees of vehicles -- certain vehicles exempt from registration fees -- disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon registration or, if applicable, reregistration of motor vehicles, trailers, and semitrailers, in accordance with this chapter, as follows:

(a) light vehicles under 2,850 pounds, ~~\$13.75 in calendar year 2004 and, in each subsequent year,~~ \$17;

(b) trailers with a declared weight of less than 2,500 pounds and semitrailers, \$8.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.

(c) motor vehicles registered pursuant to 61-3-411 that are:

(i) 2,850 pounds and over, \$10; and

(ii) under 2,850 pounds, \$5;

(d) off-highway vehicles registered pursuant to 23-2-817, ~~\$9 in calendar year 2004 and, in each subsequent year,~~ \$19.25. This fee is a one-time fee, except upon transfer of ownership of an off-highway vehicle.

(e) light vehicles over 2,850 pounds, trucks and buses less than 1 ton, and heavy trucks in excess of 1 ton, ~~\$18.75 in calendar year 2004 and, in each subsequent year,~~ \$22;

(f) logging trucks less than 1 ton, \$23.75;

(g) motor homes, \$22.25;

(h) motorcycles and quadricycles, \$9.75 for a motorcycle or quadricycle with a special license ~~plates~~ plate issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, ~~\$9.75 in calendar year 2004 and, in each subsequent year,~~ \$11.25. This fee is a one-time fee, except upon transfer of ownership of a motorcycle or quadricycle.

(i) trailers and semitrailers between 2,500 and 6,000 pounds, \$11.25. For a trailer or semitrailer

described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.

(j) trailers and semitrailers in excess of 6,000 pounds, other than trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement, \$16.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.

(k) travel trailers, \$11.75. This fee is a one-time fee, except upon transfer of ownership of a travel trailer.

(l) recreational vehicles, ~~\$3.50 in calendar year 2004 and, in each subsequent year, \$9.75.~~ If the recreational vehicle is a travel trailer, this fee is a one-time fee, except upon transfer of ownership of a travel trailer.

(2) (a) Except as provided in subsection (2)(b), if a motor vehicle, trailer, or semitrailer is originally registered 6 months after the time of registration as set by law, the registration fee for the remainder of the year is one-half of the regular fee.

(b) For a trailer or semitrailer described in 61-3-530(1), the applicable fees must be paid regardless of when the fees were last paid or if the fees were paid at all.

(3) An additional fee of \$5 for a motorcycle or quadricycle with a special license plates plate issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, ~~\$5 in calendar year 2004 and, in each subsequent year, \$16~~ must be collected for the registration of each motorcycle as a safety fee and must be deposited in the state motorcycle safety account provided for in 20-25-1002.

(4) A fee of \$5 for each ~~set of~~ new number ~~plates plate~~ plate must be collected when the number plate provided for under 61-3-332(2) ~~are~~ is issued.

(5) The provisions of this part with respect to the payment of registration fees do not apply to and are not binding upon motor vehicles, trailers, semitrailers, or tractors owned or controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202.

(6) (a) Except as provided in 61-3-562 and subsection (6)(b) of this section, a fee of 25 cents a year for each registration of a vehicle must be collected when a vehicle is registered or reregistered. The revenue derived from this fee must be forwarded by the county treasurer for deposit in the state general fund for transfer to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112.

(b) The following vehicles are not subject to the fee imposed in subsection (6)(a):

(i) trailers and semitrailers registered in other jurisdictions and registered through a proportional

1 registration agreement; and

2 (ii) travel trailers, recreational vehicles, and off-highway vehicles registered pursuant to 23-2-817.

3 (7) (a) Except as provided in 61-3-562 and subsection (7)(b) of this section, a fee of 50 cents a year for  
4 each registration of a vehicle must be collected when a vehicle is registered or reregistered. The county  
5 treasurer shall forward revenue derived from this fee to the state for deposit in the general fund.

6 (b) The following vehicles are not subject to the fee:

7 (i) trailers and semitrailers registered in other jurisdictions and registered through a proportional  
8 registration agreement;

9 (ii) off-highway vehicles registered pursuant to 23-2-817; and

10 (iii) vehicles bearing the license plates plate described in 61-3-458(3)(d).

11 (8) The provisions of this section relating to the payment of registration fees or new number plate fees  
12 do not apply when a number plates are plate is transferred to a replacement vehicle under 61-3-317, 61-3-332,  
13 or 61-3-335.

14 (9) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

15 (10) Except as otherwise provided in this section, revenue collected under this section must be  
16 deposited in the state general fund.

17 (11) (a) Unless a person exercises the option in subsection (11)(b), an additional fee of \$4 must be  
18 collected for each light vehicle or truck under 8,001 pounds GVW registered for licensing pursuant to this part.  
19 The fee must be deposited in the state general fund to be used for state parks, for fishing access sites, and for  
20 the operation of state-owned facilities as provided in 15-1-122(3)(c)(vii).

21 (b) A person who registers a light vehicle or truck under 8,001 pounds GVW may, at the time of annual  
22 registration, certify that the person does not intend to use state parks and fishing access sites and may make  
23 a written election not to pay the additional \$4 fee provided for in subsection (11)(a). If a written election is made,  
24 the fee may not be collected."

25  
26 **Section 7.** Section 61-3-331, MCA, is amended to read:

27 **"61-3-331. Assignment of number plates.** The county treasurer shall, at the time of issuing a  
28 registration receipt under 61-3-322, assign such to the motor vehicle a distinctive ~~number, viz., the~~ license plate  
29 number; and deliver to the applicant two one license ~~plates plate~~, as received from the department, ~~which shall~~  
30 ~~bear such that bears the~~ distinctive ~~numbers number~~. The department shall ship ~~said~~ all license plates to the



various county treasurers by freight, so that they will be received by the county treasurer on or before January 1 of each year."

**Section 8.** Section 61-3-332, MCA, is amended to read:

**"61-3-332. Number plates.** (1) A motor vehicle that is driven upon the streets or highways of Montana must display ~~both front and rear number plates~~ the license plate on the rear of the vehicle, bearing the distinctive number assigned to the vehicle.

(2) In addition to special license plates, collegiate license plates, and generic specialty license plates authorized under this chapter, a separate series of number plates must be issued, in the manner specified, for each of the following vehicle or dealer types:

- (a) passenger vehicles, including automobiles, vans, and sport utility vehicles;
- (b) motorcycles and quadricycles, bearing the letters "MC" or "CYCLE";
- (c) trucks, bearing the letter "T" or the word "TRUCK";
- (d) trailers, bearing the letters "TR" or the word "TRAILER";
- (e) dealers of new, or new and used, motor vehicles, including trucks and trailers, bearing the letter "D" or the word "DEALER";
- (f) dealers of used motor vehicles only, including trucks and trailers, bearing the letters "UD" or the letter "U" and the word "DEALER";
- (g) dealers of motorcycles or quadricycles, bearing the letters "MCD" or the letters "MC" and the word "DEALER";
- (h) dealers of trailers or semitrailers, bearing the letters "DTR" or the letters "TR" and the word "DEALER"; and
- (i) dealers of recreational vehicles, bearing the letters "RV" or the letter "R" and the word "DEALER".

(3) (a) Except as provided in 61-3-479 and subsections (3)(b), (4)(c), and (4)(d) of this section, all number plates for motor vehicles must be issued for a minimum period of 4 years, bear a distinctive marking, and be furnished by the department. In years when number plates are not issued, the department shall provide a registration decal that must be affixed to the ~~rear~~ license plate ~~of the vehicle~~.

(b) For light vehicles that are permanently registered as provided in 61-3-527 or 61-3-315 and 61-3-562 and vehicles described in 61-3-303(9) that are permanently registered, the department shall provide a distinctive registration decal indicating that the vehicle is permanently registered. The registration decal must be affixed

1 to the rear license plate of the permanently registered vehicle.

2 (4) (a) Subject to the provisions of this section, the department shall create a new design for number  
3 plates as provided in this section, and it shall manufacture the newly designed number plates for issuance after  
4 December 31, 2005, to replace at renewal, as required in 61-3-312 and 61-3-314, number plates that were  
5 displayed on motor vehicles before that date.

6 (b) Beginning January 1, 2006, the department shall manufacture and issue new number plates after  
7 the existing plates have been used for a minimum period of 4 years.

8 (c) A light vehicle that is registered for a 24-month period, as provided in 61-3-315 and 61-3-560, may  
9 display the number plate and plate design in effect at the time of registration for the entire 24-month registration  
10 period.

11 (d) A light vehicle described in subsection (3)(b) that is permanently registered may display the number  
12 plate and plate design in effect at the time of registration for the entire period that the vehicle is permanently  
13 registered.

14 (5) For passenger vehicles and trucks, plates must be of metal 6 inches wide and 12 inches in length.  
15 Except for generic specialty license plates, the outline of the state of Montana must be used as a distinctive  
16 border on the license plates, and the word "Montana" must be placed on each plate. Registration plates must  
17 be treated with a reflectorized background material according to specifications prescribed by the department.

18 (6) The distinctive registration numbers must begin with a number one or with a letter-number  
19 combination, such as "A 1" or "AA 1", or any other similar combination of letters and numbers. Except for special  
20 license plates, collegiate license plates, and generic specialty license plates, the distinctive registration number  
21 or letter-number combination assigned to the vehicle must appear on the plate preceded by the number of the  
22 county and appearing in horizontal order on the same horizontal baseline. The county number must be  
23 separated from the distinctive registration number by a separation mark unless a letter-number combination is  
24 used. The dimensions of the numerals and letters must be determined by the department, and all county and  
25 registration numbers must be of equal height.

26 (7) For the use of exempt motor vehicles and motor vehicles that are exempt from the registration fee  
27 as provided in 61-3-560(2)(a), in addition to the markings provided in this section, number plates must bear the  
28 following distinctive markings:

29 (a) For vehicles owned by the state, the department may designate the prefix number for the various  
30 state departments. All numbered plates issued to state departments must bear the words "State Owned", and

a year number may not be indicated on the plates because these numbered plates are of a permanent nature and will be replaced by the department only when the physical condition of numbered plates requires it.

(b) For vehicles that are owned by the counties, municipalities, and special districts, as defined in 18-8-202, organized under the laws of Montana and not operating for profit, and that are used and operated by officials and employees in the line of duty and for vehicles on loan from the United States government or the state of Montana to, or owned by, the civil air patrol and used and operated by officials and employees in the line of duty, there must be placed on the number plates assigned, in a position that the department may designate, the letter "X" or the word "EXEMPT". Distinctive registration numbers for plates assigned to motor vehicles of each of the counties in the state and those of the municipalities and special districts that obtain plates within each county must begin with number one and be numbered consecutively. Because these number plates are of a permanent nature, they are subject to replacement by the department only when the physical condition of the number plates requires it and a year number may not be displayed on the number plates.

(8) ~~Number plates~~ A number plate issued to a passenger vehicle, truck, trailer, motorcycle, or quadricycle may be transferred only to a replacement passenger vehicle, truck, trailer, motorcycle, or quadricycle. A registration fee may not be assessed upon a transfer of a number plate under 61-3-317 and 61-3-335.

(9) For the purpose of this chapter, the several counties of the state are assigned numbers as follows: Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8; Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt, 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25; Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30; Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38; Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42; Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46; Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson, 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum, 55; Lincoln, 56. Any new counties must be assigned numbers by the department as they are formed, beginning with the number 57.

(10) Each type of special license plate approved by the legislature, except collegiate license plates authorized in 61-3-463 and generic specialty license plates authorized in 61-3-472 through 61-3-481, must be a separate series of plates, numbered as provided in subsection (6), except that the county number must be replaced by a nonremovable design or decal designating the group or organization to which the applicant belongs. Unless otherwise specifically stated in this section, the special plates are subject to the same rules and

1 laws as govern the issuance of regular license plates, must be placed or mounted on a vehicle owned by the  
2 person who is eligible to receive them, with the registration decal affixed to the ~~rear~~ license plate ~~of the vehicle~~,  
3 and must be removed upon sale or other disposition of the vehicle.

4 (11) A Montana resident who is eligible to receive a special parking permit under 49-4-301 may, upon  
5 written application on a form prescribed by the department, be issued a special license plate with a design or  
6 decal bearing a representation of a wheelchair as the symbol of a person with a disability. If the vehicle to which  
7 the license plate is attached is permanently registered, the owner of the vehicle shall maintain evidence of  
8 continued eligibility to use the license plate, which must be attached to the registration document in the vehicle.

9 (12) The provisions of this section do not apply to a motor vehicle, trailer, or semitrailer that is registered  
10 as part of a fleet, as defined in 61-3-712, and that is subject to the provisions of 61-3-711 through 61-3-733."  
11

12 **Section 9.** Section 61-3-333, MCA, is amended to read:

13 **"61-3-333. Replacing number plates.** If loss, mutilation, or destruction of the number plates plate or  
14 a motor vehicle's registration decal occurs, the owner of the registered motor vehicle may obtain from the  
15 department ~~replacements~~ a replacement of the number ~~plates plate~~ or a duplicate registration decal upon filing  
16 a sworn declaration stating that fact and payment of a fee of \$5. If loss, mutilation, or destruction of a pioneer  
17 ~~plates plate~~ occurs, ~~duplicates~~ a duplicate may be obtained in the same manner upon payment of a fee of \$5."  
18

19 **Section 10.** Section 61-3-334, MCA, is amended to read:

20 **"61-3-334. Expiration of registration on transfer of ownership of vehicle -- duty to remove plates.**  
21 Upon the transfer of ownership of a motor vehicle, the registration of the motor vehicle ~~shall expire~~ expires and  
22 it ~~shall be~~ is the duty of the transferor ~~immediately~~ to remove the license ~~plates plate~~ from the vehicle."  
23

24 **Section 11.** Section 61-3-335, MCA, is amended to read:

25 **"61-3-335. Transfer of license ~~plates plate~~ to another motor vehicle.** (1) ~~Should~~ If the transferor  
26 ~~make application~~ applies for the registration of another motor vehicle at any time during the remainder of the  
27 current registration year as shown on the original certificate of registration, ~~he~~ the transferor may file an  
28 application in the office of the county treasurer where the motor vehicle is registered, upon a form to be prepared  
29 and furnished by the department, accompanied by the original certificate of registration, for the transfer of the  
30 license ~~plates plate~~. The application for transfer of the license ~~plates plate~~ from the motor vehicle for which it was

originally issued to a motor vehicle acquired by the same person in whose name the original license ~~plates were~~  
~~plate was~~ issued ~~shall~~ must be made within 20 days from the date of acquiring the vehicle. The use of the  
license ~~plates shall~~ plate may not be legalized until proper transfer of the license ~~plates~~ plate has been made.

(2) ~~License plates~~ A license plate may be transferred pursuant to this section without transferring  
ownership of the first vehicle.

(3) Upon transfer of the license ~~plates~~ plate, the registration of the motor vehicle from which the license  
~~plates were~~ plate was transferred expires. The certificate of registration for ~~such~~ the vehicle must be surrendered  
to the county treasurer with the application for transfer."

**Section 12.** Section 61-3-342, MCA, is amended to read:

**"61-3-342. Temporary registration permit -- validity -- expiration.** (1) Any purchaser of a motor  
vehicle who is unable to fully complete the process of applying for a certificate of title because the previously  
issued certificate of title is lost, in the possession of third parties, in the process of reissuance in this state or  
elsewhere, or subject to a disputed, preexisting security interest may, upon making affidavit to that effect upon  
a form prescribed by the department and upon the payment of all applicable registration fees and taxes, plus  
an additional fee of \$2 to be collected by the county treasurer and remitted to the department, obtain a temporary  
registration permit from the county treasurer. The temporary registration permit, when issued by the county  
treasurer, is valid for 60 days from the date of issuance. The purchaser, upon displaying the temporary  
registration permit in the manner prescribed by the department, may operate the vehicle during the period stated  
in the temporary registration permit without displaying the number ~~plates or~~ plate for the current year. The county  
treasurer may not sell, and a person may not purchase, more than one 60-day temporary registration permit for  
any vehicle, the ownership of which has not changed since the issuance of the previous 60-day temporary  
registration permit.

(2) The department may authorize the county treasurer to extend the previously issued temporary  
registration permit for an additional 60-day period if:

(a) an unusual circumstance prevents the owner of a vehicle from presenting the certificate of title within  
the 60-day period permitted under subsection (1);

(b) the owner requests, on a form prescribed by the department, an extension of the time for which the  
temporary registration permit is valid and pays a \$10 fee.

(3) Upon the expiration of the second 60-day temporary registration permit, if the purchaser still cannot

1 present the previously issued certificate of title, properly assigned to the purchaser by the prior owner, or if a  
2 dispute remains as to any preexisting, perfected security interests created by the prior owner or the owner's  
3 assignee, the department may authorize the county treasurer to register the vehicle and advise the purchaser  
4 that the registration will not be renewed at the end of the registration period unless:

5 (a) the previously issued certificate of title has been surrendered to the department, its authorized agent,  
6 or the county treasurer and the process for issuing a certificate of title has been completed; or

7 (b) the purchaser complies with the requirements of 61-3-208."  
8

9 **Section 13.** Section 61-3-402, MCA, is amended to read:

10 **"61-3-402. Personalized license plates authorized.** Any person who is the registered owner of a  
11 motor vehicle, a truck, motor home, camping trailer, motorcycle, quadricycle, or other vehicle for the owner's  
12 personal use registered with the department or who makes application for original registration of a motor vehicle  
13 may upon payment of the fee prescribed in 61-3-406 apply to the department for a personalized license plates  
14 plate in the manner prescribed in 61-3-405, ~~which plates shall~~ The plate must be affixed to the motor vehicle  
15 for which registration is sought in lieu of the regular license ~~plates~~ plate provided for in this chapter."  
16

17 **Section 14.** Section 61-3-403, MCA, is amended to read:

18 **"61-3-403. Color and design of personalized license plates -- exception -- county designation.**

19 (1) Except as provided in 61-3-466, the personalized license plates must be the same color and design as  
20 regular passenger motor vehicle license plates and must consist of numbers or letters, or any combination  
21 ~~thereof~~ of numbers and letters, not exceeding eight positions and not less than two positions, provided that there  
22 are no conflicts with existing passenger, commercial, trailer, motorcycle, quadricycle, or special license plate  
23 series under this title.

24 (2) Upon the issuance of a personalized license plates plate or upon the reregistration of any motor  
25 vehicle assigned a personalized license plates plate that ~~do~~ does not bear a county designation or no longer  
26 ~~bear~~ bears the correct county designation, the department shall provide a nonremovable stickers sticker bearing  
27 the appropriate county designation, ~~which that~~ must be affixed to the license ~~plates~~ plate in use in accordance  
28 with instructions by the department."  
29

30 **Section 15.** Section 61-3-404, MCA, is amended to read:

1           **"61-3-404. Personalized license ~~plates~~ plate restricted to registered owner. Personalized ~~A~~**  
2 **~~personalized~~ license ~~plates~~ ~~shall~~ plate may** be issued only to the registered owner of the vehicle upon which ~~they~~  
3 **~~are~~ it is displayed."**

4  
5           **Section 16.** Section 61-3-405, MCA, is amended to read:

6           **"61-3-405. Application for personalized plates.** An applicant for a personalized license ~~plates~~ plate  
7 or renewal of ~~such plates~~ the plate in subsequent years pursuant to 61-3-401 through 61-3-406 shall file an  
8 application ~~therefor~~ for the plate in the form and by the date the department requires, indicating ~~thereon~~ on the  
9 application the combination of letters or numbers, or both, requested as a registration number. There ~~shall~~ may  
10 be no duplication of registration numbers, and the department may refuse to issue any combination of letters  
11 or numbers, or both, that may carry connotations offensive to good taste and decency or ~~which~~ that are  
12 misleading or a duplication of license plates provided for elsewhere in this title."

13  
14           **Section 17.** Section 61-3-407, MCA, is amended to read:

15           **"61-3-407. Personalized special veteran and generic specialty license plates.** Subject to the  
16 provisions of 61-3-405 and 61-3-406, an application for a special veteran license ~~plates~~ plate under 61-3-458(3)  
17 or a generic specialty license ~~plates~~ plate under 61-3-472 through 61-3-481 may be combined with an  
18 application for a personalized ~~plates~~ plate. The application must be made on a form supplied by the department."

19  
20           **Section 18.** Section 61-3-411, MCA, is amended to read:

21           **"61-3-411. Registration of a motor vehicle owned and operated solely as a collector's item. (1)**  
22 An owner of a motor vehicle that is more than 30 years old and that is used solely as a collector's item and not  
23 for general transportation purposes may file with the department an application for the registration of the motor  
24 vehicle. The application must be sworn to before an officer authorized to administer oaths. The application must  
25 state:

- 26           (a) the name and address of the owner;
- 27           (b) the name and address of the person from whom purchased;
- 28           (c) the make, the gross weight, the year and number of the model, and the manufacturer's identification  
29 number and serial number of the motor vehicle; and
- 30           (d) that the vehicle is owned and operated solely as a collector's item and not for general transportation

1 purposes.

2 (2) Upon receipt of the application for registration and payment of the registration fees, including fees  
3 in lieu of tax, the department shall file the application and register the motor vehicle in the manner specified in  
4 61-3-303 and, unless the applicant chooses to exercise the option allowed in 61-3-412, shall deliver to the  
5 applicant:

6 (a) for a motor vehicle manufactured in 1933 or earlier, ~~two a license plates~~ plate bearing the inscription  
7 "Pioneer--Montana" and the registration number; or

8 (b) for a motor vehicle manufactured in 1934 or later and more than 30 years old, ~~two a license plates~~  
9 plate bearing the inscription "Vintage--Montana" and the registration number.

10 (3) The year of issuance may not be shown on the ~~plates~~ plate.

11 (4) Annual renewal of the registration of a motor vehicle registered under this section is not required,  
12 and the registration is valid as long as the vehicle is in existence and owned by the initial registrant. Upon sale  
13 of the motor vehicle, the purchaser shall renew the registration and pay a license renewal fee of \$10 for a vehicle  
14 weighing more than 2,850 pounds and \$5 for a vehicle weighing 2,850 pounds or less."

15  
16 **Section 19.** Section 61-3-412, MCA, is amended to read:

17 **"61-3-412. Display of original Montana license ~~plates~~ plate on collector's item and general**  
18 **transportation collector's item vehicles -- definition -- validation.** (1) As used in 61-3-413 and this section,  
19 "original Montana license plate" means a license plate issued according to the provisions of 61-3-331; section  
20 53-116, R.C.M. 1947; section 1759.1, R.C.M. 1935; or section 1759, R.C.M. 1921; whichever section was  
21 effective during the year of the manufacture of the motor vehicle on which the license plate is authorized to be  
22 displayed.

23 (2) Notwithstanding the provisions of 61-3-332, the department shall authorize the owner of a motor  
24 vehicle registered as provided in 61-3-411 or 61-3-413 to display an original Montana license ~~plates~~ plate, with  
25 validation as required in 61-3-413 or subsection (3) of this section, after:

26 (a) payment of the fee required in subsection (5);

27 (b) inspection by a highway patrol officer of the original Montana license plate to be displayed on the  
28 motor vehicle and, upon payment of a \$5 fee, receipt of the highway patrol officer's certification that the officer  
29 has determined that:

30 (i) the license plate is legible and meets the requirements of subsection (1); and



(ii) in the case of a license plate intended for use on a general transportation collector's item, the license plate is visible at night;

(c) receipt of an application by the owner of the motor vehicle as provided for in 61-3-411 or 61-3-413; and

(d) in the case of a general transportation collector's item application, certification from the department that a duplicate license plate number does not exist among currently issued license plates.

(3) If the owner of a vehicle registered under the provisions of 61-3-314 meets the requirements of subsection (2), the department shall:

(a) file the application and register information on the motor vehicle in the manner prescribed in 61-3-303; and

(b) issue a validating decal inscribed with:

(i) a unique number; and

(ii) the letter:

(A) "P" to designate vehicles described in 61-3-411(2)(a); or

(B) "V" to designate vehicles described in 61-3-411(2)(b).

(4) The owner of the motor vehicle shall permanently affix the validating decal to the windshield of the collector's item motor vehicle or, if a windshield does not exist, to another prominent and visible position on the vehicle.

(5) The owner of the motor vehicle shall pay to the department with the application required under this section a one-time special collector's item motor vehicle license fee of \$20."

**Section 20.** Section 61-3-413, MCA, is amended to read:

**"61-3-413. Registration of motor vehicle as general transportation collector's item -- definition -- permanent registration required.** (1) For the purposes of 61-3-412 and this section, a "general transportation collector's item" is a motor vehicle that is 25 years old or older and that is used for general transportation purposes.

(2) An owner of a general transportation collector's item who wishes to display an original Montana license ~~plates~~ plate on the motor vehicle shall file with the department an application for the registration of the motor vehicle. The application must state:

(a) the name and address of the owner;

(b) the year and number of the license plate the applicant wishes to use; and

(c) the make, the gross weight, the year and number of the model, and the manufacturer's identification number and serial number of the motor vehicle.

(3) Upon receipt of an application for registration of a general transportation collector's item, the department shall compare the number of the license plate that the applicant intends to use with the license plate numbers assigned to currently registered vehicles. The department may reject an application if the number the applicant intends to use matches a number that is assigned to a currently registered vehicle. If the department approves the application, the department shall file the application and register the motor vehicle in the manner specified in 61-3-101.

(4) Once an application is approved, appropriate fees are paid, and the requirements provided in 61-3-412(2) are met, an owner of a general transportation collector's item shall permanently register the motor vehicle as provided in 61-3-562 and shall display on the motor vehicle's license plate a decal indicating that the motor vehicle has been permanently registered."

**Section 21.** Section 61-3-415, MCA, is amended to read:

**"61-3-415. Special motorcycle license plates -- department to design -- fees -- distribution.** (1) A Montana resident who is the owner of a motorcycle or quadricycle titled and registered under this chapter and who pays the fee required under subsection (2) may be issued a ~~set of~~ special motorcycle license ~~plates~~ plate bearing a design created by the department. The design must recognize the efforts of one or more Montana-based nonprofit organizations that grant wishes to chronically or critically ill Montana children.

(2) A person requesting a ~~set of~~ special motorcycle license ~~plates~~ plate under this section shall pay to the county treasurer:

(a) an administrative fee of \$5 upon initial issuance of the special license ~~plates~~ plate; and

(b) an annual donation fee of \$20 upon initial issuance, renewal, or transfer of the special license ~~plates~~ plate.

(3) The county treasurer shall remit the fees required in subsection (2) to the department of revenue. For each ~~set of plates~~ plate issued, the department of revenue shall deposit \$5 in the state general fund and \$20 in an account in the state special revenue fund to be used by the department as provided in subsection (4).

(4) The department shall use the money deposited in the account in the state special revenue fund as provided in subsection (3) to provide grants, using criteria established by the department, to Montana-based

1 nonprofit organizations that grant wishes to Montana children who are chronically or critically ill.

2 (5) The department shall adopt rules to identify the entity or entities that may qualify for grants under  
3 this section and to establish the criteria that an entity must meet to receive grant funds.

4 (6) The account in the state special revenue fund provided for in subsection (3) is statutorily  
5 appropriated to the department, as provided in 17-7-502."

6  
7 **Section 22.** Section 61-3-421, MCA, is amended to read:

8 **"61-3-421. Amateur radio operators -- special license plate.** A motor vehicle owner and resident of  
9 this state who holds an unrevoked and unexpired official amateur radio station license and operator's license,  
10 "conditional" or higher class, issued by the federal communications commission of the United States, upon  
11 written application on a form prescribed by the department, accompanied by proof of ownership of the amateur  
12 radio station license and operator's license, must be issued a lettered license plates in pairs (two identically  
13 lettered plates) plate, in lieu of the regular license plates plate prescribed by law. There must be stamped or  
14 impressed upon the special license plates plate in clear lettering the official amateur radio call letters of the  
15 owner as assigned to the owner by the federal communications commission, and ~~the plates so a plate~~ lettered  
16 as provided in this section must be renewed as provided in 61-3-312."

17  
18 **Section 23.** Section 61-3-423, MCA, is amended to read:

19 **"61-3-423. Rules -- limit of one identical pair of plates plate for each operator.** The department shall  
20 ~~make such adopt~~ rules as that may be necessary to procure compliance with all the laws of the state regulating  
21 the issuance of motor vehicle licenses relating to the use and operation of motor vehicles before issuing the  
22 lettered license plates. The department ~~shall may~~ not issue more than one ~~identical pair of~~ lettered license ~~plates~~  
23 plate for any licensed amateur radio station in any one licensing period."

24  
25 **Section 24.** Section 61-3-425, MCA, is amended to read:

26 **"61-3-425. Special plates -- how affixed to car vehicle -- sale or transfer of auto vehicle --**  
27 **revocation or expiration of radio license.** The ~~lettered amateur radio operator~~ license ~~plates, as herein~~  
28 ~~provided, are~~ plate is in lieu of the regular license plates plate on the motor vehicle owned by the amateur radio  
29 licensee for the period of time that the amateur radio license is in force under the federal communications  
30 commission and the special license ~~issued hereunder~~ is in force, but no longer. If the official amateur radio

1 license is revoked or expires for any reason, the license plate must be removed immediately by the owner of  
2 the motor vehicle, and it is the responsibility of the owner to then obtain a regular license plates plate. If the  
3 motor vehicle is sold or otherwise transferred, the owner and holder of valid official amateur radio station and  
4 operator's licenses has the right to transfer the lettered plates plate to another motor vehicle owned by ~~him~~ upon  
5 ~~such reasonable conditions as may be~~ the owner as prescribed by the department. On the revocation or  
6 expiration of the amateur radio station and operator's licenses, the lettered license plates plate as issued must  
7 be returned and surrendered to the department."

8  
9 **Section 25.** Section 61-3-426, MCA, is amended to read:

10 **"61-3-426. Combined license plates.** (1) An application for a license plates plate for amateur radio  
11 operators may be combined with an application for the special license plates plate issued under 61-3-458(3) or  
12 with an application for a special license plates plate issued to a person with a disability who complies with the  
13 provisions in 61-3-332(11).

14 (2) Issuance of a combined license plates plate is subject to 61-3-422.

15 (3) The combined license plates plate must be stamped with the official amateur radio call letters of the  
16 owner as assigned to the owner by the federal communications commission. The plates plate must also be  
17 stamped with the design or decal provided for in 61-3-332(11) or 61-3-458(3)."

18  
19 **Section 26.** Section 61-3-446, MCA, is amended to read:

20 **"61-3-446. Retention of special license plates plate.** If during a registration year the holder of a  
21 special license plates plate issued under 61-3-332(10) or a generic specialty license plates plate issued as  
22 provided in 61-3-472 through 61-3-481 disposes of the vehicle to which the ~~plates are~~ plate is affixed, the holder  
23 may retain the plates plate and affix ~~them~~ it to another vehicle."

24  
25 **Section 27.** Section 61-3-448, MCA, is amended to read:

26 **"61-3-448. Commemorative centennial license plates -- continued use and replacement**  
27 **authorized.** (1) A person who owns and displays commemorative centennial license plates on a motor vehicle  
28 on or before June 30, 1996, may continue to display ~~the~~ a commemorative centennial plates plate on the vehicle  
29 after that date as long as the ~~plates remain~~ plate remains legible or as long as replacement plates are available  
30 from the department, whichever is later.

(2) The department shall authorize the continued display of commemorative centennial license plates after June 30, 1996, as provided for in subsection (1), and shall replace a commemorative centennial license ~~plates~~ plate for persons who owned and displayed the plates on or before June 30, 1996, as long as replacement stock owned by the department on October 1, 1993, remains available and usable."

**Section 28.** Section 61-3-458, MCA, is amended to read:

**"61-3-458. Special plates for military personnel, veterans, and spouses.** (1) (a) Active military personnel, veterans, or the surviving spouse of an eligible veteran, if the spouse has not remarried, may be issued special military or veteran license plates as provided in this section.

(b) Subject to the provisions of 61-3-332 and except as otherwise provided in this chapter, special license plates issued pursuant to this section must be numbered ~~in sets of two~~ with a different number on each ~~set~~ plate and must be properly displayed as provided in 61-3-301.

(2) (a) Upon application, after paying all applicable vehicle registration fees and special license plate fees and providing an official certificate from the applicant's unit commander verifying the individual's eligibility and authorizing the department to issue the ~~plates~~ plate to the individual, eligible military personnel may be issued one ~~set of~~ special military license ~~plates~~ plate as provided in this subsection (2).

(b) A member of the Montana national guard who is a state resident may be issued a special license ~~plates~~ plate with a design or decal displaying the letters "NG". However, the member shall surrender the ~~plates~~ plate to the department when the member becomes ineligible.

(c) A member of the reserve armed forces of the United States who is a state resident may be issued a special license ~~plates~~ plate according to the member's branch of service verified in the application with a design or decal displaying one of the following: United States army reserve, AR (symbol); United States naval reserve, NR (anchor); United States air force reserve, AFR (symbol); or United States marine corps reserve, MCR (globe and anchor). However, the member shall surrender the ~~plates~~ plate to the department when the member becomes ineligible.

(d) An active member of the regular armed forces of the United States who is a state resident may be issued a special license ~~plates~~ plate inscribed with a symbol signifying the United States army, United States navy, United States air force, United States marine corps, or United States coast guard, according to the member's branch of service verified in the application. However, the member shall surrender the ~~plates~~ plate to the department upon becoming ineligible.

(3) (a) Upon application, after presenting proper identification and a department of defense form 214 (DD-214) or its successor or documents showing an other-than-dishonorable discharge or a reenlistment verifying the applicant's eligibility and paying the veterans' cemetery fee specified in 61-3-459 and all applicable vehicle registration fees under this chapter, subject to the provisions of 61-3-460, an eligible veteran must be issued any ~~set~~ plate and more than one ~~set of the~~ special license ~~plates~~ plate provided for in this subsection (3) that the member requests and is eligible to receive.

(b) A veteran may be issued a special license ~~plates~~ plate displaying the letters "DV", which entitles the veteran to the parking privileges allowed to a person with a special parking permit issued under Title 49, chapter 4, part 3, if the veteran:

(i) has been awarded the purple heart and has been rated by the U.S. department of veterans affairs as 50% or more disabled because of a service-connected injury; or

(ii) is currently rated 100% disabled or is paid at the 100% disabled rate by the U.S. department of veterans affairs for a service-connected disability.

(c) A veteran who has been awarded the purple heart may be issued a special license ~~plates~~ plate with the purple heart decal displaying the words "combat wounded".

(d) A veteran who was captured and held prisoner by the military force of a foreign nation may be issued a special license ~~plates~~ plate with a design or decal displaying the words "ex-prisoner of war" or an abbreviation that the department considers appropriate.

(e) If the veteran was a member of the United States armed forces on December 7, 1941, and during the hours of 7:55 a.m. to 9:45 a.m. (Hawaii time) was on station at Pearl Harbor on the island of Oahu or was offshore from Pearl Harbor at a distance of not more than 3 miles, the veteran may be issued a special license ~~plates~~ plate designed to show that the veteran is a survivor of the Pearl Harbor attack.

(f) A person who is a member of the legion of valor may be issued a special ~~plates~~ plate displaying a design or decal depicting the recognized legion of valor medallion.

(g) A veteran may be issued a special license ~~plates~~ plate displaying the word "VETERAN" and a symbol signifying the United States army, United States navy, United States air force, United States marine corps, or United States coast guard, according to the veteran's service record verified in the application.

(h) A member or former members of the Montana national guard eligible to receive a military retirement may be issued a special license ~~plates~~ plate displaying the Montana national guard insignia and the words "National Guard veteran".

(4) Upon request, after paying the veterans' cemetery fee provided in 61-3-459 and all applicable vehicle registration fees under this chapter, subject to the provisions of 61-3-460, the surviving spouse of an eligible veteran, if the spouse has not remarried, may retain the special license ~~plates~~ plate issued to the deceased veteran, except the special "DV" ~~plates~~ plate provided for under subsection (3)(b).

(5) For purposes of this section, "veteran" has the meaning provided in 10-2-101."

**Section 29.** Section 61-3-459, MCA, is amended to read:

**"61-3-459. Veterans' cemetery fee for special veteran license plates -- disposition.** (1) Except as provided in 61-3-460, an applicant for a special veteran license ~~plates~~ plate provided for under 61-3-458(3) shall pay \$10 for each ~~set~~ plate issued, renewed, or transferred, in addition to any other taxes or fees applicable under this chapter.

(2) Fees collected under this section must be deposited in the state general fund and transferred as provided in 15-1-122 to the special revenue account for state veterans' cemeteries established in 10-2-603."

**Section 30.** Section 61-3-460, MCA, is amended to read:

**"61-3-460. Vehicle registration fee and veterans' cemetery fee waivers.** (1) Except as otherwise provided in this section, a person eligible under subsection (2) is exempt from the veterans' cemetery fee provided in 61-3-459 for one ~~set of~~ special veteran license ~~plates~~ plate and all vehicle registration fees imposed by this chapter for one vehicle that is not used for commercial purposes.

(2) The following persons are eligible for the waiver provided in subsection (1):

(a) a veteran who was a prisoner of war who presents official documentation from the U.S. department of defense verifying the veteran's status, or the veteran's surviving spouse, if the spouse has not remarried;

(b) a veteran who is currently rated 100% disabled or is paid at the 100% disabled rate by the U.S. department of veterans affairs for a service-connected disability, as verified by official documentation from the U.S. department of veterans affairs, or the veteran's surviving spouse, if the spouse has not remarried;

(c) a veteran determined by the U.S. department of veterans affairs to be 50% or more disabled because of a service-connected injury and who has been awarded the purple heart, as verified by official documentation from the U.S. department of veterans affairs and the veteran's military service record issued by the U.S. department of defense, or the veteran's surviving spouse, if the spouse has not remarried, except that the veteran or the surviving spouse shall pay the veterans' cemetery fee as provided for in 61-3-459;

(d) the surviving spouse, if the spouse has not remarried, of a military service member killed while on active duty as verified in official documentation issued by the U.S. department of defense; and

(e) the surviving spouse, if the spouse has not remarried, of a military service member or veteran who died of a service-connected injury or disability as determined by and verified in official documentation from the U.S. department of veterans affairs."

**Section 31.** Section 61-3-463, MCA, is amended to read:

**"61-3-463. Collegiate license plates.** (1) Subject to the provisions of 61-3-332(4) and the requirement that collegiate license plates must have a white reflectorized background, the department shall design, cause to be manufactured, and issue collegiate license plates as provided in 61-3-464 through 61-3-466.

(2) After consultation with each institution, the department shall prescribe the color and insignia to be displayed on the collegiate license plates for each institution.

(3) In addition to each institution's distinctive color and insignia provided in subsection (2), each collegiate license plate must:

(a) be imprinted consecutively with distinctive numerals from 1 through 99999, capital letters A through Z, or a combination of numerals and letters; and

(b) bear a registration decal denoting the correct county designation under 61-3-332.

(4) The department shall determine the minimum and maximum number of characters, including both numerals and letters, on the collegiate license plates.

(5) An issue of collegiate license plates may not be ordered or manufactured for any individual institution unless at least 400 ~~sets of~~ plates are ordered and prepaid."

**Section 32.** Section 61-3-464, MCA, is amended to read:

**"61-3-464. Application for collegiate license plates.** An applicant for a collegiate license ~~plates~~ plate or renewal of a collegiate license ~~plates~~ plate pursuant to 61-3-465 shall apply in the form and by the date the department requires."

**Section 33.** Section 61-3-465, MCA, is amended to read:

**"61-3-465. Issuance -- application -- additional fee -- disposition.** (1) The department shall issue or renew a collegiate license ~~plates~~ plate upon receipt of an application that shows:



(a) compliance with 61-3-303, 61-3-311, and 61-3-312; and

(b) payment to the county treasurer of:

(i) an initial application and manufacturing fee of \$5, when required; and

(ii) an annual scholarship donation of \$30 for the benefit of the institution named in the application.

(2) Once each month, the county treasurer shall, as provided in 15-1-504, transfer to the department of revenue the total of the amounts collected for:

(a) the initial application and manufacturing fee for deposit in the state general fund; and

(b) scholarship donations provided for in subsection (1)(b)(ii), along with a schedule showing the number of collegiate license plates issued and the total donations received for the benefit of each institution.

(3) Once each month, the department of revenue shall distribute to the student academic scholarship fund or foundation of each institution an amount equal to the total donations credited to that institution and transferred to the department of revenue by the county treasurers during the preceding month."

**Section 34.** Section 61-3-466, MCA, is amended to read:

**"61-3-466. Personalized collegiate license plates.** (1) Subject to the provisions of 61-3-405 and 61-3-406, an application for a collegiate license ~~plates~~ plate may be combined with an application for a personalized ~~plates~~ plate.

(2) An application for a personalized collegiate license ~~plates~~ plate must be made on a form supplied by the department.

(3) Personalized collegiate license plates must bear the distinctive color and insignia as provided in 61-3-463."

**Section 35.** Section 61-3-468, MCA, is amended to read:

**"61-3-468. Collegiate license plates -- continued use with institution's former name authorized -- replacement.** (1) A person who owns and displays on the person's vehicle, a collegiate license ~~plates~~ plate that ~~bear~~ bears the name of an institution that has been renamed by its governing body or as part of the Montana university system reorganization may continue to display on the vehicle the license plate bearing the former name of the institution as long as the ~~plates remain~~ plate remains legible or as long as replacement plates are available from the department, whichever is later.

(2) The department may issue or replace a collegiate license plate bearing the former name of an

1 institution, as defined in 61-3-462, as long as replacement stock owned by the department of corrections is  
2 available."

3  
4 **Section 36.** Section 61-3-474, MCA, is amended to read:

5 **"61-3-474. Responsibility for design of generic specialty license plates -- numbering --**  
6 **rulemaking -- approval -- registration decal -- listing of plate sponsors.** (1) The department shall:

7 (a) design the background and general format of generic specialty license plates;

8 (b) in consultation with the department of corrections, determine which license plate processing system  
9 is the most efficient and versatile manufacturing method for the production of generic specialty license plates;

10 (c) use a numbering system for generic specialty license plates that is distinctive from the numbering  
11 system required under 61-3-332 or used for collegiate license plates;

12 (d) adopt rules that prescribe:

13 (i) the minimum and maximum number of characters that a generic specialty license plate may display;

14 (ii) the general placement of the sponsor's name, identifying phrase, and graphic; and

15 (iii) any specifications or limitations on the use or choice of color or detail in the sponsor's graphic design.

16 (2) All sponsor names, identifying phrases, and graphics intended for use on generic specialty license  
17 plates must be approved by the department prior to the manufacture of the plates.

18 (3) Upon the issuance of generic specialty license plates, the department shall provide registration  
19 decals bearing the appropriate county designation as provided in 61-3-332. The registration decal must be  
20 affixed to the license plates in use in accordance with instructions by the department.

21 (4) The department shall maintain a list of the sponsors that have been approved to promote the sale  
22 and issuance of generic specialty license plates, the initial distribution date for sale of each sponsored generic  
23 specialty license plate, and the donation fee established by the sponsor for each sponsored generic specialty  
24 license plate. The department shall, upon request, make copies of this list available to interested members of  
25 the public.

26 (5) The department may, in its discretion, revoke its previous approval of a sponsor's generic specialty  
27 license plate sponsorship if:

28 (a) the sponsor fails to comply with the provisions of 61-3-472 through 61-3-481;

29 (b) fewer than 400 sets of a sponsor's generic specialty license plate have been sold or renewed in the  
30 12-month period immediately preceding the third anniversary of the date of initial distribution of the sponsored

1 generic specialty license plate; or

2 (c) the department has reliable information that the sponsor is no longer qualified for sponsorship under  
3 61-3-472 through 61-3-481.

4 (6) (a) Upon revocation of a sponsor's generic specialty license plate sponsorship status, the issuance  
5 and sale of the sponsor's generic specialty license plates must be terminated and a donation fee may not be  
6 charged or collected upon registration renewal of a vehicle displaying previously issued generic specialty license  
7 plates affiliated with that sponsor.

8 (b) A person who owns a vehicle displaying a valid generic specialty license ~~plates~~ plate affiliated with  
9 a sponsor whose sponsorship status has been revoked may continue to display ~~those~~ the generic specialty  
10 license ~~plates~~ plate on the person's vehicle if the vehicle's registration is properly renewed in subsequent years  
11 and the ~~plates remain~~ plate remains legible.

12 (c) Following revocation of a sponsor's sponsorship status, the department may not issue duplicates  
13 of generic specialty license plates affiliated with that sponsor that are lost, destroyed, or mutilated."  
14

15 **Section 37.** Section 61-3-479, MCA, is amended to read:

16 **"61-3-479. Issuance of generic specialty license plates -- qualifications.** (1) (a) Except as provided  
17 in subsection (1)(b), the department shall issue a ~~set of~~ generic specialty license ~~plates~~ plate to a person who  
18 applies for a particular style of generic specialty license ~~plates~~ plate and pays the donation fee established by  
19 the plate sponsor and the administrative fee required in 61-3-480.

20 (b) If the sponsor of a generic specialty license plate is not listed on the county collection report  
21 published by the department of revenue and required under 15-1-504 as of the initial distribution date for the sale  
22 of the sponsor's plates, the department shall require the sponsor to collect the initial donation fee from, and issue  
23 a special certificate of registration to, a person who is eligible to receive the sponsor's generic specialty license  
24 ~~plates~~ plate. The person shall present the special certificate of registration upon application for the generic  
25 specialty license ~~plates~~ plate.

26 (2) A ~~set of~~ generic specialty license ~~plates~~ plate may be issued for any vehicle, except a trailer of any  
27 size, a motorcycle, or a quadricycle.

28 (3) (a) Except as provided in 61-3-472 through 61-3-481 and 61-3-562, a person who receives a generic  
29 specialty license ~~plates~~ plate is subject to the same rules and laws as those that govern number plates.

30 (b) Except as provided in 61-3-472 through 61-3-481 and 61-3-562, the department is subject to the

1 same rules and laws that govern the issuance of number plates.

2 (c) Generic specialty license plates issued under 61-3-472 through 61-3-481 are not subject to any  
3 maximum issuance or use limitation that may be imposed on number plates.

4 (4) A person may combine an application for a generic specialty license plate with an application for  
5 a license plate with a design bearing a representation of a wheelchair as the symbol of a person with a disability  
6 as provided in 61-3-332(11)."

7  
8 **Section 38.** Section 61-3-481, MCA, is amended to read:

9 **"61-3-481. Generic specialty license plates -- restrictions on use.** (1) ~~Generic~~ A generic specialty  
10 license ~~plates~~ plate may be issued by the department in conjunction with the registration of any vehicle, except  
11 a trailer of any size, a motorcycle, or a quadricycle. The department may not issue a generic specialty license  
12 ~~plates~~ plate without the motor vehicle having been registered.

13 (2) ~~Generic~~ A generic specialty license ~~plates~~ plate may be used only as the official number ~~plates~~ plate  
14 for a motor vehicle."

15  
16 **Section 39.** Section 61-3-526, MCA, is amended to read:

17 **"61-3-526. Registration of motor homes and travel trailers -- reregistration by mail allowed.** (1)  
18 Except for a motor home displaying an amateur radio operator license ~~plates~~ plate as provided in 61-3-421, all  
19 registrations of motor homes expire annually on April 30. Application for registration or reregistration must be  
20 made to the county treasurer not later than June 15. Reregistration may be made by mail in the manner provided  
21 in 61-3-535. If the ownership of a motor home is transferred during the registration year, it must be reregistered  
22 as provided by statute.

23 (2) The owner of a motor home registered under the provisions of this section may operate the vehicle  
24 between May 1 and June 15 without displaying the certificate of registration of the current registration year if the  
25 owner, during that period, displays upon the motor home the number ~~plates~~ or plate or the registration decal  
26 assigned to the motor home for the previous registration year.

27 (3) A travel trailer that is initially registered under this chapter remains registered unless ownership of  
28 the travel trailer is transferred. If ownership is transferred, the new owner shall register the travel trailer as if the  
29 travel trailer were being registered for the first time.

30 (4) The department shall adopt rules to assign a registration period for motor homes that display

1 amateur radio operator license plates."

2

3 **Section 40.** Section 61-3-701, MCA, is amended to read:

4 **"61-3-701. Out-of-state vehicles used in gainful occupation to be registered -- reciprocity. (1)**

5 Before a motor vehicle that is registered in another jurisdiction may be operated on the highways of this state  
6 for hire, compensation, or profit or before the owner or user of the vehicle uses the vehicle if the owner or user  
7 is engaged in gainful occupation or business enterprise in the state, including highway work, the owner of the  
8 vehicle shall register the vehicle at the office of a county treasurer or an authorized agent of the department.  
9 Upon satisfactory evidence of ownership submitted to the county treasurer or the department's authorized agent  
10 and the payment of fees in lieu of taxes or registration fees, if appropriate, as required by 15-8-201, 15-8-202,  
11 15-24-301, 61-3-529, 61-3-537, or 61-3-560 and 61-3-561, the treasurer or authorized agent shall enter the  
12 vehicle for registration purposes only on the electronic registry maintained by the department under 61-3-101.

13 (2) Upon payment of the fees or taxes, the treasurer or the department's authorized agent shall issue  
14 to the vehicle owner a registration receipt and the proper license ~~plates~~ plate or other identification markers. The  
15 license ~~plates~~ plate or identification markers must at all times be displayed upon the vehicle when operated or  
16 driven upon roads and highways of this state during the registration period indicated on the receipt.

17 (3) The registration receipt does not constitute evidence of ownership but must be used only for  
18 registration purposes. A Montana certificate of title may not be issued for a vehicle registered under this section.

19 (4) This section is not applicable to a vehicle covered by a valid and existing reciprocal agreement or  
20 declaration entered into under Montana law."

21

22 **Section 41.** Section 61-3-722, MCA, is amended to read:

23 **"61-3-722. Registration and identification of proportionally registered vehicles -- fees -- effect of**

24 **registration.** (1) The department shall register each proportionally registered vehicle and issue a license plate  
25 ~~or plates~~, a distinctive sticker, or other suitable identification device for each vehicle described in the application  
26 upon payment of the appropriate fees and property taxes, as provided by law, for the application and for the  
27 license ~~plates~~ plate, ~~stickers~~ sticker, or ~~devices~~ device issued. A fee of \$2 must be paid for each license plate,  
28 each sticker, and each device issued for each proportionally registered vehicle. A fee of \$5 must be paid for each  
29 vehicle receiving temporary registration as authorized by section 704 of the international registration plan of the  
30 American association of motor vehicle administrators, adopted in April 1988. A registration card must be issued

1 for each proportionally registered vehicle. The registration card must, in addition to other information required  
2 by chapter 3, show the number of the license, sticker, or other device issued for the proportionally registered  
3 vehicle and must be carried in the vehicle at all times.

4 (2) Fleet vehicles registered and identified as fleet vehicles are considered fully licensed and registered  
5 in this state for any type of movement or operation, except that, in those instances in which a grant of authority  
6 is required for intrastate movement or operation, the vehicle may not be operated in intrastate commerce in this  
7 state unless the owner has been granted intrastate authority by the public service commission and unless the  
8 vehicle is being operated in conformity with that authority."

9  
10 **Section 42.** Section 61-4-101, MCA, is amended to read:

11 **"61-4-101. Dealer's license -- types of licenses and terms -- plates -- bonds -- zoning.** (1) Except  
12 as provided in 61-4-125, a person may not engage in the business of buying, selling, exchanging, accepting on  
13 consignment, or acting as a broker of a new motor vehicle or used motor vehicle, new or used recreational  
14 vehicle, trailer (except a trailer having an unloaded weight of less than 500 pounds), motorcycle, quadricycle,  
15 or special mobile equipment that is not registered in the person's name, unless the person is the holder of a  
16 dealer's license issued by the department under this part.

17 (2) (a) The department is authorized to issue a dealer's license for one or more specified vehicle types  
18 to any person it determines is qualified to hold a license under the provisions of this section. A dealer's license  
19 may be issued for, and restricted to, one or more of the following vehicle types:

20 (i) new motor vehicle;

21 (ii) used motor vehicle;

22 (iii) new recreational vehicle;

23 (iv) used recreational vehicle;

24 (v) trailer or special mobile equipment; or

25 (vi) motorcycle or quadricycle.

26 (b) The department shall design and issue dealer and demonstrator plates as provided in 61-4-102 and  
27 61-4-129.

28 (c) With the exception of a licensed new motor vehicle dealer, a dealer licensed for a particular type of  
29 vehicle may sell, trade, or accept on consignment only vehicles of the type for which the license is authorized,  
30 unless the dealer's license specifically refers to more than one vehicle type, such as a motorcycle or quadricycle

1 license. A new motor vehicle dealer is authorized to sell, trade, or accept on consignment new motor vehicles  
2 or used motor vehicles.

3 (d) Subject to the provisions of 61-4-124, a dealer's license issued by the department is valid until:

4 (i) voluntarily returned to the department for surrender and cancellation upon the cessation of the  
5 dealer's business operations; or

6 (ii) suspended or revoked for a violation of this chapter or any other laws relating to the sale of motor  
7 vehicles.

8 (3) (a) An applicant for a dealer's license shall submit a written application for a dealer's license to the  
9 department, specifying the type or types of dealer's license sought. The application must be signed by the  
10 applicant and contain a verification by the applicant, under penalty of law, that the information contained in the  
11 application is true and correct. Any information provided in the license application process is subject to  
12 independent verification by the department or an authorized representative of the department.

13 (b) After examining a license application and conducting an investigation necessary to verify the  
14 information contained in the application and if the department is satisfied that the applicant qualifies for the  
15 issuance of a license under the provisions of this chapter, the department may issue the license. The department  
16 may refuse, after examination and investigation, to issue a license to an applicant who is not qualified for  
17 licensure or whose prior financial or other activities or criminal record, as determined by the department:

18 (i) poses a threat to the effective regulation of dealers, wholesalers, or auto auctions;

19 (ii) poses a threat to the public interest of the state; or

20 (iii) creates a danger of illegal or deceptive practices being used in the conduct of the proposed  
21 dealership, wholesaler, or auto auction.

22 (4) To be qualified for licensure as a dealer, an applicant shall provide to the department the following:

23 (a) the name under which the applicant intends to conduct business and the name, address, date of  
24 birth, and social security number of any person who possesses or will possess an ownership interest in the  
25 business for which the license is sought. If the applicant is a corporation, the personal information required in  
26 this subsection (4)(a) must be provided for each corporate officer and the person designated by the corporation  
27 to manage or oversee the dealership.

28 (b) for each person subject to the provisions of subsection (4)(a), information concerning whether the  
29 person has:

30 (i) an ownership interest in a vehicle dealership or a wholesaler business in Montana or another

1 jurisdiction and, if so, the name and address of each dealership or wholesaler; and

2 (ii) been found guilty of, or pleaded guilty to, a felony in this or any other jurisdiction and, if so, shall  
3 provide a summary of the conduct resulting in the felony charge, including the dates of the conduct and any court  
4 proceedings pertaining to the conduct and the name and address of any court in which the matter was heard;

5 (c) the name, address, and telephone number of the insurance carrier from whom the applicant has  
6 acquired general liability insurance, naming the department as a certificate holder of the policy, and the name,  
7 address, and telephone number of the local insurance agent for the carrier and the applicant's policy number.  
8 The insurance must cover any vehicle bearing a dealer or demonstrator license ~~plates~~ plate that is offered for  
9 demonstration or loan to, or otherwise operated by, a customer in the regular course of the applicant's business  
10 and must be for a minimum of 1 year;

11 (d) the geographic location of the physical lot or lots upon which vehicles will be displayed for sale and  
12 of a permanent nonresidential building that will be maintained to store the actual physical or electronic records  
13 resulting from the purchase, sale, trade, or consignment of vehicles for which licensure is sought. An applicant  
14 may use more than one location to display vehicles for sale if the maximum distance between each display lot  
15 does not exceed 200 feet and if the distance between a display lot and the building in which vehicle sales  
16 records are stored does not exceed 1,000 feet.

17 (e) for each geographic location specified in the application, evidence of the applicant's compliance with  
18 applicable local land use planning, zoning, and business permitting requirements, if any. Evidence of compliance  
19 may be documented by means of a written verification of compliance signed by the authorized representative  
20 of the local land use planning or zoning board or the local business permitting agency.

21 (f) a diagram or plat showing the geographic location, lot dimensions, and building and sign placement  
22 for the applicant's proposed established place of business, along with two or more photographs of the  
23 geographic location, building premises, and sign, as prescribed by the department;

24 (g) a certification by the applicant that the applicant is a bona fide dealer in new motor vehicles, used  
25 motor vehicles, used recreational vehicles, trailers, motorcycles, quadricycles, or special mobile equipment;

26 (h) if the applicant is seeking a new motor vehicle dealer's license:

27 (i) the name and address of the manufacturer, importer, or distributor with whom the applicant has a  
28 written new motor vehicle franchise or sales agreement and the name and make of all motor vehicles to be  
29 handled by the applicant;

30 (ii) the geographic location or locations, specified in writing, upon which the applicant will provide and



maintain a permanent building to display and sell new motor vehicles and offer and maintain a bona fide service department for the repair, service, and maintenance of the motor vehicles; and

(iii) verification that the applicant otherwise meets the requirements of part 2 of this chapter; and

(i) if the applicant is applying for a new recreational vehicle dealer's license, certification that the person is recognized by a manufacturer, importer, or distributor as a dealer in new recreational vehicles.

(5) If an applicant for a new motor vehicle or used motor vehicle, new or used recreational vehicle, or trailer dealer's license wants to maintain more than one established place of business, the applicant shall file a separate license application for each proposed place of business and otherwise qualify for licensure at each place separately.

(6) Each application under this section must be accompanied by an application fee of \$5 and one or more of the following license fees based on the type of dealer's license being sought:

(a) \$25 for a new motor vehicle dealer's license;

(b) \$25 for a used motor vehicle dealer's license;

(c) \$25 for a new or used recreational vehicle dealer's license; or

(d) \$25 for a motorcycle or trailer dealer's license.

(7) The applicant for a dealer's license shall also file with the application a bond of \$50,000 for a license as a new motor vehicle dealer, a used motor vehicle dealer, a new or used recreational vehicle dealer, or a trailer dealer. Applicants for a motorcycle dealer's license shall file a bond in the sum of \$15,000. All bonds must be conditioned that the applicant shall conduct the business in accordance with the requirements of the law. The bond may extend to any other type of dealer license issued to the applicant at the same geographic location if all types of licenses are indicated on the face of the bond. All bonds must be approved by the department, must be filed in its office, and must be renewed annually."

**Section 43.** Section 61-4-102, MCA, is amended to read:

**"61-4-102. Dealer's license numbers -- assignment, numbering, and limitation of dealer plates -- restriction of use -- fees.** (1) Upon the licensing of a dealer, the department shall assign to the dealer a distinctive serial license number as a dealer and furnish the dealer with one or more ~~sets of~~ numbered dealer plates in accordance with the provisions of this section.

(2) (a) Dealer plates designed by the department must be similar to the numbered plates furnished to owners of motor vehicles under 61-3-332, but they must bear:

- (i) the license number assigned to the dealer;
- (ii) an abbreviation for the vehicle type of the dealer's license issued, as follows:
- (A) the letter "D" for a new motor vehicle dealer;
- (B) the letters "UD" for a used motor vehicle dealer; or
- (C) the letters "RV" for a new or used recreational vehicle dealer; and
- (iii) the actual number of ~~sets of~~ dealer plates issued to the dealer.

(b) Dealer plates may not be issued to a motorcycle or trailer dealer or a wholesaler.

(3) Dealer plates must contain the prefix of the county in which the dealer's established place of business is located, followed by the dealer's license type abbreviation, the dealer's license number, and the number of ~~sets of~~ dealer plates issued to that dealer. For example, new motor vehicle dealer number 4 in Lewis and Clark County would be numbered 5D-4, and if the dealer were issued three ~~sets of~~ dealer plates, they would be numbered consecutively as follows, 5D-4-1, 5D-4-2, and 5D-4-3.

(4) (a) In addition to the fees required under the provisions of 61-4-101 and 61-4-124, an applicant for a dealer's license shall pay an annual fee of \$25 for each ~~set of~~ numbered dealer ~~plates~~ plate requested and issued.

(b) The number of dealer plates that may be issued to a dealer must be determined as follows:

(i) a dealer is entitled to one ~~set of~~ dealer ~~plates~~ plate upon the issuance of an original license or a renewed license;

(ii) an applicant qualified for a license renewal is entitled to additional ~~sets of~~ numbered plates based on the following formula:

(A) 5% of the first 100 vehicle sales for the previous year; plus

(B) 3% of the next 100 vehicle sales for the previous year; plus

(C) 2% of vehicle sales in excess of 200 for the previous year; and

(iii) a dealer is entitled to additional ~~sets of~~ dealer plates during a license term as the dealer's sales incrementally meet or exceed the requirements of the formula established in subsection (4)(b)(ii). However, the aggregate number of ~~sets of~~ dealer plates issued to a dealer under this subsection (4)(b)(iii) may not exceed the combined number allowed under subsections (4)(b)(i) and (4)(b)(ii).

(5) (a) A dealer is authorized to use and display a dealer plates plate on a motor vehicle that is held for bona fide sale by the dealer and that is operated by or under the control of the dealer, the dealer's spouse, officers, or employees.

(b) For purposes of this subsection (5):

(i) the term "officers" includes only the persons listed on the manufacturer's franchise agreement or the importer's distribution agreement and the term "employees" means persons upon whom the dealer has paid social security taxes as a full-time employee; and

(ii) the display of a Monroney label or a buyer's guide label, as required by 61-4-123(2), on a vehicle bearing a dealer plates plate is prima facie evidence that the vehicle is offered for bona fide sale by the dealer.

(6) Dealer plates may not be used or displayed on vehicles used for hire, lease, or rental.

(7) (a) A dealer is accountable for each ~~set of~~ numbered dealer ~~plates~~ plate issued and, except as provided in subsection (7)(b), shall file an annual report with the department certifying the disposition of each ~~set of~~ dealer ~~plates~~ plate assigned to the dealer and specifying the name, address, and occupation of the person primarily using each ~~set of~~ plates plate.

(b) Upon reassignment of one or more ~~sets of~~ dealer plates to another person, within 15 days of the reassignment, the dealer shall notify the department, in a manner prescribed by the department, of the name, address, and occupation of the person to whom the plates were assigned.

(8) (a) All numbered dealer plates expire on December 31 of the year of issue and must be renewed annually.

(b) A dealer who files the annual report required under 61-4-124 on or before December 31 of the calendar year may display or use dealer plates assigned and registered for the prior calendar year through the last day of February of the following year, as provided in 61-4-124(5)."

**Section 44.** Section 61-4-109, MCA, is amended to read:

**"61-4-109. Privileges incident to license -- withdrawal upon certain conditions.** (1) The privileges of a dealer licensed under the provisions of this part to use and display a ~~set of~~ dealer ~~plates~~ plate or a demonstrator plate on a motor vehicle held for sale by the dealer and to issue a 20-day permit, under the authority of 61-4-111 or 61-4-112, upon the sale of a vehicle by the dealer are specifically conditioned on the dealer's satisfaction of the bond requirements of 61-4-101(7) and the general liability insurance coverage requirements of 61-4-123, without interruption or lapse.

(2) If the department is notified or determines that a dealer's bond or general liability insurance has lapsed or been canceled, all dealer plates, demonstrator plates, and 20-day permits assigned or issued to the dealer are subject to immediate withdrawal and confiscation, upon demand, by the department or by a

1 compliance specialist on behalf of the department and may not be returned to the dealer until the bond and  
2 general liability insurance requirements have been satisfied.

3 (3) A dealer whose privileges are withdrawn under this section may otherwise engage in the dealer's  
4 business operations during the period of withdrawal.

5 (4) If the lapse of bond or general liability insurance is not corrected within 30 days, the department may  
6 initiate administrative action to suspend or revoke the dealer's license under 61-4-105(2)."

7  
8 **Section 45.** Section 61-4-111, MCA, is amended to read:

9 **"61-4-111. Used motor vehicles -- transfer to and from dealers.** (1) Except as provided in  
10 61-4-124(6), a licensed dealer, broker, or wholesaler who intends to resell a used motor vehicle and who  
11 operates the vehicle only for demonstration purposes:

12 (a) is exempt from registration under 61-3-201(2) when applying for a certificate of title; and

13 (b) may transfer or receive ownership of a motor vehicle by use of a dealer reassignment section on  
14 a certificate of title. However, when the allotted number of dealer reassignment sections on a certificate of title  
15 has been completed, ownership of the vehicle may not be transferred until an application for a certificate of title  
16 has been submitted by the dealer to the department and a new certificate of title has been issued.

17 (2) Upon the transfer of a used motor vehicle to a person other than a licensed dealer, broker, or  
18 wholesaler, the following acts are required of the dealer on or before the times set forth in this subsection:

19 (a) Prior to delivery of the vehicle to the purchaser, the dealer shall issue a temporary registration permit  
20 for the vehicle and affix the temporary registration permit to the vehicle in a manner prescribed by the  
21 department. The temporary registration permit issued by the dealer is valid for 20 days from the date of  
22 issuance. There must be imprinted on the temporary registration permit in bold letters the following statement:  
23 "IT IS UNLAWFUL TO PLACE A LICENSE PLATES PLATE UPON THIS VEHICLE UNTIL REGISTERED AT  
24 THE OFFICE OF THE COUNTY TREASURER". Unless a durable license plate style placard is issued, one copy  
25 of the temporary registration permit must be delivered by the dealer to the county treasurer in the manner  
26 prescribed in subsection (2)(b), and a copy must be retained by the dealer for the dealer's file. If a durable  
27 placard is issued, the dealer shall create and retain the relevant records as prescribed by the department. It is  
28 unlawful for the dealer to issue more than one 20-day temporary registration permit for each vehicle sale.

29 (b) Within 4 working days following the date of delivery of the vehicle, the dealer shall forward to the  
30 county treasurer of the county where the purchaser resides:

1 (i) the assigned certificate of title or, if a certificate of title for the vehicle has not been issued in this  
2 state, a copy of the then-current registration receipt or certificate in the dealer's possession;

3 (ii) an application for a certificate of title executed by the new owner in accordance with the provisions  
4 of 61-3-221 and 61-3-322; and

5 (iii) a copy of the temporary registration permit affixed to the vehicle by the dealer.

6 (c) Transmission of the documents by the dealer to the county treasurer may be accomplished either  
7 by personal delivery or by first-class mail, in which event they are considered to have been delivered at the time  
8 of mailing.

9 (d) If the dealer is unable to forward the certificate of title or, if applicable, registration receipt within the  
10 time set forth in subsection (2)(b) because the certificate of title is lost, is in the possession of third parties, or  
11 is in the process of reissuance in this state or elsewhere, the dealer shall comply in all other respects with the  
12 provisions of subsection (2)(b) and shall forward the missing document or documents to the county treasurer,  
13 either personally or by first-class mail, within 3 days after receipt.

14 (3) Upon compliance by the dealer with the requirements in this section, title to the motor vehicle is  
15 considered to have passed to the purchaser as of the date of the delivery of the vehicle to the purchaser by the  
16 dealer, and the dealer has no further liability or responsibility with respect to the processing of registration.

17 (4) Upon receipt from the county treasurer of the documents required under subsection (2), the  
18 department shall:

19 (a) update the electronic record of the title maintained by the department under 61-3-101; or

20 (b) issue a certificate of title if requested under 61-3-216(2)(f); and

21 (c) comply with the applicable provisions of Title 61, chapter 3, parts 1 through 3.

22 (5) For purposes of this section, "motor vehicle" includes a trailer as defined in 61-1-111."  
23

24 **Section 46.** Section 61-4-123, MCA, is amended to read:

25 **"61-4-123. Dealer requirements and restrictions.** (1) A dealer may not offer for sale, trade, or  
26 consignment any vehicle type not authorized by the license issued to the dealer by the department or use a  
27 dealer or demonstrator plate on a vehicle of a type for which the dealer is not licensed.

28 (2) A dealer may not display at the dealer's established place of business or any approved off-premises  
29 sale location a vehicle offered for sale, trade, or consignment unless the Monroney label required for new motor  
30 vehicles pursuant to 15 U.S.C. 1232 or the buyer's guide label required for used motor vehicles pursuant to 16

CFR, part 455, is affixed to the side window of the vehicle or is conspicuously displayed within the vehicle in a fashion that is readily readable by a customer.

(3) Except as provided in subsection (4), a dealer may not sell or display a motor vehicle offered for sale at any geographic location other than that of the dealer's established place of business as listed on the dealer's license.

(4) (a) A dealer may conduct an off-premises display and sale at a geographic location other than that of the dealer's established place of business as listed on the dealer's license if the dealer notifies the department 10 days in advance, on a form prescribed by the department, of the opening date and location of an off-premises display and sale and obtains a permit from the department. The department may require proof from the dealer that the location proposed for the off-premises display and sale is in compliance with local zoning ordinances. Except for recreational vehicle dealers, an off-premises display and sale must be conducted within the county of the dealer's licensed location. The display and sale may not exceed 10 consecutive days, and a licensed dealer may not conduct more than 10 off-premises displays and sales during any 1 calendar year.

(b) A dealer may display one or more vehicles inside an airport terminal or shopping mall without obtaining an off-premises display and sale permit if no actual sales are made, or could be made, at the terminal or mall.

(c) Upon prior written notice to the department, a dealer may display one vehicle at a geographic location other than that of the dealer's established place of business as listed on the dealer's license if ~~no~~ actual sales are not made, or could not be made, at the display location and the display:

(i) conspicuously promotes or supports an event or a program sponsored by a nonprofit corporation or association organized and operated exclusively for religious, charitable, scientific, or educational purposes and the vehicle is displayed at a location where the event is being held or the program is being promoted; or

(ii) conspicuously promotes a joint commercial endeavor between the dealer and another clearly identified business entity and the vehicle is displayed on premises owned or leased by the other business entity and where the other entity regularly conducts its business. A display under this subsection (4)(c)(ii) may not exceed 90 days.

(5) If more than one dealer displays vehicles and maintains an established place of business at the same geographic location, each dealer shall ensure that all vehicle records, office facilities, and inventory, if applicable, are physically segregated from those of the other dealer and clearly identified and attributed to the appropriate dealer.

(6) A dealer shall install and maintain telephone service at the dealer's established place of business. The telephone service must be listed in the directory assistance that applies to the area in which the business is located.

(7) A dealer shall conspicuously post at the dealer's established place of business written notice indicating the regular and customary office hours maintained by the dealer.

(8) (a) A dealer shall carry and continuously maintain a general liability insurance policy that covers any vehicle bearing a ~~set of dealer plates~~ plate or a demonstrator plate that is offered for demonstration or loan to, or otherwise may be operated by, a customer in the regular course of the dealer's business operations.

(b) A dealer must ensure that the department is named as a certificate holder on any general liability insurance policy held by the dealer, that the minimum term of the policy is 1 year, and that a lapse of insurance does not occur as a result of cancellation or termination of a previously certified policy.

(c) This subsection (8) does not relieve a dealer of the mandatory vehicle liability insurance obligation imposed under chapter 6 of this title.

(9) A dealer shall display at the dealer's established place of business at least one sign stating the name of the business and indicating that vehicles are offered for sale, trade, or consignment. The letters of the sign must be at least 6 inches in height and clearly visible and readable to the major avenue of traffic at a minimum distance of 150 feet."

**Section 47.** Section 61-4-130, MCA, is amended to read:

**"61-4-130. Courtesy license plates -- design and issuance -- restrictions on use.** (1) The department may design courtesy license plates to be issued to a new or used motor vehicle dealer for use in accordance with this section. The plates must bear the license number assigned to the dealer, an abbreviation for the vehicle type of the dealer's license, and the word "COURTESY".

(2) Upon application and payment of an annual fee of \$150 a set, the department may issue up to two ~~sets of~~ courtesy plates to a dealer.

(3) ~~Courtesy~~ A courtesy license ~~plates~~ plate may be displayed only on a motor vehicle that the dealer loans, without charge or fee, exclusively for religious, charitable, scientific, or educational purposes. A loan of a vehicle displaying a courtesy license ~~plates~~ plate may not exceed 30 days in a year.

(4) A dealer shall maintain records detailing to whom a vehicle bearing a courtesy ~~plates~~ plate has been loaned, the date of the loan, the date on which the vehicle bearing the courtesy ~~plates~~ plate is to be returned,

1 and the actual date of the vehicle's return. These records must include the name, address, and telephone  
2 number of the person or entity to whom the vehicle has been loaned and the name of a contact person who will  
3 oversee the actual operation and use of the vehicle. The records are subject to audit by the department.

4 (5) It is the dealer's responsibility to ensure that a courtesy plates are plate is not used by an eligible  
5 person or entity for more than 30 days in a year.

6 (6) It is the responsibility of the person or entity to whom the vehicle bearing a courtesy plates plate was  
7 loaned to carry, while operating or in actual physical control of the vehicle, adequate proof of the status of the  
8 person or entity under this section.

9 (7) If a dealer allows a person or entity to operate or retain actual physical control of a vehicle bearing  
10 a courtesy plates plate in violation of this section, the department may suspend the right to use ~~the~~ courtesy  
11 plates for a period not to exceed 6 months."

12  
13 **Section 48.** Section 61-4-221, MCA, is amended to read:

14 **"61-4-221. Manufacturer's representative's license plates.** (1) As used in 61-4-221 through 61-4-223,  
15 "manufacturer's representative" means a resident of Montana who is an employee of a motor vehicle  
16 manufacturer licensed under the provisions of 61-4-202 and whose responsibility includes coordinating and  
17 promoting sales efforts with the manufacturer's dealers.

18 (2) Subject to the provisions of 61-4-221 through 61-4-223 and notwithstanding the provisions of Title  
19 61, chapter 3, a manufacturer's representative who qualifies as provided in subsection (1) may display a  
20 manufacturer's license plates plate on a motor vehicle used solely for business purposes.

21 (3) To qualify for the issuance and use of manufacturer's license plates by its manufacturer's  
22 representatives, the manufacturer licensed under 61-4-202 shall apply on forms and in a manner prescribed by  
23 the department and pay the fees provided for in 61-4-222."

24  
25 **Section 49.** Section 61-4-222, MCA, is amended to read:

26 **"61-4-222. Fees.** (1) Upon making the application required under 61-4-221, the manufacturer shall pay  
27 to the department a fee of \$250, which entitles the manufacturer to one ~~set of~~ number plates plate, and an  
28 additional fee of \$20 for each additional ~~set of~~ number plates plate. The manufacturer may receive one ~~set of~~  
29 number plates plate for each manufacturer's representative.

30 (2) The fees provided for in subsection (1) do not apply to the manufacturer of a personal watercraft



as defined in 23-2-502, a snowmobile as defined in 23-2-601, or an off-highway vehicle as defined in 23-2-801."

**Section 50.** Section 61-4-223, MCA, is amended to read:

**"61-4-223. Assignment of numbers.** (1) Upon the licensing of a manufacturer under 61-4-202, the department shall assign to the manufacturer a distinctive serial number and, after payment of fees provided for in 61-4-222, furnish every qualified manufacturer's representative of that manufacturer with one ~~set of~~ number ~~plates~~ plate. ~~Assigned~~ An assigned number ~~plates~~ plate must be similar to a number ~~plates~~ plate furnished to owners of motor vehicles but must bear, in addition to the serial number assigned to the manufacturer, the letters "MFG".

(2) The department shall cause to be placed on each ~~set of~~ license ~~plates~~ plate issued to a manufacturer a serial number assigned to the manufacturer and the actual number of license plates issued to the manufacturer. The department shall provide nonremovable stickers bearing the appropriate county designation. The stickers must be affixed to the license plates in use in accordance with instructions by the department.

(3) A manufacturer's representative who qualifies as provided in 61-4-221(1) may display a manufacturer's license ~~plates~~ plate on a motor vehicle held for bona fide sale or used solely in the conduct of the manufacturer's business and operated by or under the control of the manufacturer's representative.

(4) When the department has reasonable cause to believe, from an investigation made by it or information furnished to it by a sheriff or any other law enforcement officer, that a manufacturer has been improperly licensed, has used the manufacturer's license other than as authorized in this section, or is not qualified as a manufacturer under the requirements of this part, the department may revoke the manufacturer's license."

**Section 51.** Section 61-4-301, MCA, is amended to read:

**"61-4-301. Permit and transit plates for new vehicles being transported by driveway or towaway methods -- used mobile homes.** (1) (a) A person, firm, partnership, or corporation, regularly and lawfully engaged in the transportation of new vehicles over the highways of this state from manufacturing or assembly points to agents of manufacturers and dealers in this state or in other states, territories, or foreign countries or provinces by the driveway or towaway methods, where the vehicles being driven, towed, or transported by the saddle-mount, towbar, or full-mount methods, or a lawful combination of these methods, will be transported over

1 the highways of the state ~~but~~ only once, may annually apply to the department of justice for a permit to use the  
2 highways of this state and shall pay, upon filing the application, a fee of \$100. Upon processing of the  
3 application, that department shall issue an annual permit to the applicant.

4 (b) A person moving used mobile homes from a point outside the state to a point inside the state may  
5 apply to the department for the permit authorized pursuant to subsection (1)(a).

6 (2) (a) The permitholder may also apply to the department of justice for five ~~sets of~~ transit plates  
7 showing the permit number for identification of the vehicles being transported by the permitholder, and the ~~plates~~  
8 plate or ~~devices~~ device may be used on a vehicle being driven, towed, or transported by and under the control  
9 of the permitholder. The department shall collect the additional sum of \$10 for each ~~set of~~ transit ~~plates~~ plate  
10 or ~~devices~~ device applied for and issued.

11 (b) A permitholder may apply for and receive more than five ~~sets of~~ transit plates in a calendar year if  
12 the permitholder can demonstrate, to the satisfaction of the department, that additional ~~sets of~~ plates are needed  
13 based on the number of trip fees reported in Montana in the previous calendar year. The department shall collect  
14 \$10 for each additional ~~set of~~ transit ~~plates~~ plate issued.

15 (3) The department of justice shall retain the permit and plate fees to defray costs of administering  
16 61-4-301 through 61-4-308.

17 (4) The permit and transit plates or devices expire on December 31 of each year."  
18

19 **Section 52.** Section 61-4-307, MCA, is amended to read:

20 **"61-4-307. Display of plates.** A vehicle or combination of vehicles transported over the highways of  
21 the state by a permitholder shall display ~~in a prominent position thereon~~ the distinctive transit ~~plates or devices~~  
22 plate or device, ~~the towing vehicle displaying such on the front thereof and a towed vehicle on the rear thereof~~  
23 of the vehicle or, if a vehicle is being towed, on the rear of the vehicle being towed."

24  
25 **Section 53.** Section 61-6-304, MCA, is amended to read:

26 **"61-6-304. Penalties.** (1) Conviction of a first offense under 61-6-301 or 61-6-302 is punishable by a  
27 fine of not less than \$250 or more than \$500 or by imprisonment in the county jail for not more than 10 days, or  
28 both. A second conviction is punishable by a fine of \$350 or by imprisonment in the county jail for not more than  
29 10 days, or both. A third or subsequent conviction is punishable by a fine of \$500 or by imprisonment in the  
30 county jail for not more than 6 months, or both.

(2) Upon a second or subsequent conviction under 61-6-301 or 61-6-302, the sentencing court shall order the surrender of the vehicle registration receipt and license ~~plates~~ plate for the vehicle operated at the time of the offense if that vehicle was operated by the registered owner or a member of the registered owner's immediate family or by a person whose operation of that vehicle was authorized by the registered owner. The court shall send the receipt and ~~plates~~ plate, along with a copy of the complaint and dispositional order, to the department, which shall immediately suspend the receipt and ~~plates~~ plate for a period of 90 days from the date of a second conviction or 180 days from the date of a third or subsequent conviction. The receipt and ~~plates~~ plate may not be reinstated until the expiration of that period and until proof of compliance with 61-6-301 is furnished to the department, but if the vehicle is transferred to a new owner, the new owner is entitled to register the vehicle.

(3) Upon a fourth and subsequent conviction under 61-6-301 or 61-6-302, the court shall order the surrender of the driver's license of the offender, if the vehicle operated at the time of the offense was registered to the offender or a member of the offender's immediate family. The court shall send the driver's license, along with a copy of the complaint and the dispositional order, to the department, which shall immediately suspend the driver's license. The department may not reinstate a driver's license suspended under this subsection until the registered owner provides the department proof of compliance with 61-6-301 and the department determines that the registered owner is otherwise eligible for licensure.

(4) The court may suspend a required fine only upon a determination that the offender is or will be unable to pay the fine.

(5) A court may not defer imposition of penalties provided by this section.

(6) An offender is considered to have been previously convicted for the purposes of sentencing if less than 5 years have elapsed between the commission of the present offense and a previous conviction."

**NEW SECTION. Section 54. Effective date.** [This act] is effective January 1, 2006.

- END -